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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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REED SMITH SHAW & MCCLAY
2500 ONE LIBERTY PLACE
1650 MARKET STREET
PHILADELPHIA, PA 191037301

EXAMINER

MORGAN, ROBERT W

ART UNIT

PAPER NUMBER

3626

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/329,659

Applicant(s)

FENTON ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/13/03 has been entered.

Response to Amendment

2. In the amendment filed 11/26/02 in paper number 15, the following has occurred: Claims 1, 13, 14, 23 and 32 have amended. Now claims 1-40 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,831,526 to Luchs et al. and "Instant Auto Insurance Quotes Now available at Quotesmith.com" to Bland in view of U.S. Patent No. 5,845,256 to Pescitelli et al.

--In considering claim 1, the claimed subject matter that is met by Luchs et al. includes:

1) the claimed method of processing an insurance application and receiving the application for a insurance from a user over a computer network is met by the terminal having an input, such as

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keyboard, and a display which communicate the data in the central processor (see: column 3, lines 5-16).

2) the claimed automatically approving or denying of the application based on comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: column 7, lines 29-31 and column 8, lines 1-8).

3) the claimed automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline (see: column 17, lines 1-15).

Luchs et al fails to teach the claimed issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during single user session of on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting

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insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kisok begin the insurance coverage (see: column 14, lines 32-49). The Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kisok the insurance coverage starts immediately and all the steps are completed during a single session at the kisok.

One of ordinary skill in the art at the time the invention was made would have found it obvious to include purchasing, issuing and immediately activating an insurance policy at the kisok as taught by Pescitelli et al. with the system as taught by Luchs and Bland with the motivation of allowing customer's to buy and instantly begin receiving insurance coverage in real-time via the Internet.

Claim 2 recites subject matter that was met in claim 1 above, as well as the claimed stored criteria being stored in a database is met by the data bank which allow data to be stored and edited (see: column 15, lines 45-67).

Claim 3 recites subject matter that was met in claim 1 above, as well as the claimed stored criteria in executable code is met by the ability of the central processor (23) to store and access information in its data bank and the capability to access and review other databases for relevant information (see: column 14, lines 36-45).

Claim 4 recites subject matter that was met in claim 1 above, as well as the claimed user is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client and the issuer giving approval for printing and mailing of the policy to the accepting client (see: column 17, lines 31-66).

As per claims 5, 16, 25, and 34, Luchs et al. and Bland fail to explicitly teach a method for receiving a credit card number from the applicant prior to issuance of the policy for use in payment of premiums.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-14).

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

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Claims 6-12 recites subject matter that was met in claim 1 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables (see: Luchs: column 7-10).

--In considering claim 13, the claimed subject matter that is met by Luchs et al. includes:
1) the claimed method of processing an application for an amendment to an existing policy or insurance and receiving the application for an amendment to a policy of insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor which then check for error to be corrected (see: Luchs: column 16, lines 31-67).

2) the claimed automatically approving or denying of the application based on comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: Luchs: column 7, lines 29-31 and column 8, lines 1-8).

3) the claimed automatically offering a policy of insurance to the user in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline(see: Luchs: column 17, lines 1-15).

Luchs et al fails to teach the claimed issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during single user session of on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kiosk begin the insurance coverage (see: column 14, lines 32-49). The

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Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kiosk the insurance coverage starts immediately and all the steps are completed during a single session at the kiosk.

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

--In considering claim 14, the claimed subject matter that is met by Luchs et al. includes:

1) the claimed computerized system for processing an insurance application during a single user session and means for receiving the application for a insurance from a user over a computer network is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor (see: Luchs: column 3, lines 5-16).

2) the claimed means for automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: Luchs: column 7, lines 29-31 and column 8, lines 1-8).

3) the claimed means for automatically offering a policy of insurance to the user during a the user session in response to the application over the computer network if the application is approved and presenting the policy to the user for electronic acceptance is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline (see: Luchs: column 17, lines 1-15).

Luchs et al fails to teach the claimed means for issuing and immediately activating the policy during the user session upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein the issued and activated policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph I and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3,

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lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kiosk begin the insurance coverage (see: column 14, lines 32-49). The Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kiosk the insurance coverage starts immediately and all the steps are completed during a single session at the kiosk.

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

Claim 15 recites subject matter that was met in claim 14 above, as well as the claimed user is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: column 17, lines 31-66).

Claims 17-22 recites subject matter that was met in claim 14 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables (see: column 7-10).

--In considering claim 23, the claimed subject matter that is met by Luchs et al. includes: the claimed computerized system for processing an insurance application during a single user session, comprising a server and a database used to transmit an application for a policy of insurance to a user over a computer network in response to a request is met by the central processor and each terminal having the means to input and retrieve information in the data bank to response to the information entered by the terminal operator (see: column 3, lines 5-30).

1) the claimed server automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: Luchs: column 7, lines 29-31 and column 8, lines 1-8).

2) the claimed server automatically offering a policy of insurance to the user is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline (see: Luchs: column 17, lines 1-15).

3) the claimed server applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: Luchs: column 17, lines 31-66).

Luchs et al fails to teach the claimed processing an insurance application over a computer network during a single user session and issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during single user session of on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with

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the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3, lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kiosk begin the insurance coverage (see: column 14, lines 32-49). The Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kiosk the insurance coverage starts immediately and all the steps are completed during a single session at the kiosk.

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

Claim 24 recites subject matter that was met in claim 23 above, as well as the claimed user is the insured party of the policy and the insured party purchases the policy directly from the

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issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: column 17, lines 31-66).

Claims 26-31 recites subject matter that was met in claim 23 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables (see: column 7-10).

--In considering claim 32, the claimed subject matter that is met by Luchs et al. includes:

1) the claimed computer-readable medium tangibly embodying instructions which, when executed by a computer is met by the terminal having an input, such as keyboard, and a display which communicate the data in the central processor (see: Luchs: column 3, lines 5-16).

2) the claimed automatically approving or denying of the application during a user session based on a comparison of data contained in the application with stored underwriting criteria is met by the electronic input function which scans inputted information and stored data to help determine whether the criteria for approving or disapproving a application are satisfied (see: Luchs: column 7, lines 29-31 and column 8, lines 1-8).

3) the claimed automatically offering a policy of insurance to the user is met by the decision step (120) in which a client is offered a policy and at this point must choose to accept or decline (see: Luchs: column 17, lines 1-15).

4) the claimed applicant is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: Luchs: column 17, lines 31-66).

Luchs et al fails to teach the claimed processing an insurance application over a computer network during a single user session and issuing and activating the policy upon electronic acceptance thereof by the user and payment via an electronic payment,

wherein all of the steps of said method occur during single user session of on the computer network, and wherein the policy of insurance provides insurance coverage for the user without a post user-session delay period.

Bland teaches a system of receiving instant automobile insurance quotes from over 300 insurance companies on the Internet and if the customer is satisfied with the quote the policy could be purchased immediately on-line (see: paragraph 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the insurance application system as taught by Luchs et al. with the insurance quotes system as taught by Bland in order to facilitate the process of getting insurance quotes because this would allow the user to receive the most accurate, thorough and lowest automobile insurance coverage available.

Luchs and Bland fail to explicitly teach issuing and activating the policy upon electronic acceptance via an electronic payment occurring during single user session without a post user-session delay period.

Pescitelli et al. teaches an interactive self-service vending system involving a interactive vending stations or terminals comprise data processing means, data storage means, input means, message output means, payment means and printer (see: column 2, lines 54-58). Pescitelli et al. further teaches that if a customer qualified for insurance and elects to purchase the policy a message directs the customer to pay using payment means such as a credit card (see: column 3,

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lines 1-5) and instructs the customer to sign his or her name on a signature pad (see: column 3, lines 27-28). In addition, after the signature pad captures the customer's signature the insurance policy is issued at the kisok begin the insurance coverage (see: column 14, lines 32-49). The Examiner respectfully noted that once the insurance policy is signed and issued to the customers at the kisok the insurance coverage starts immediately and all the steps are completed during a single session at the kisok.

The obviousness for combining the Pescitelli et al. with system of Luchs and Bland is discussed in the rejection of claim 1, and incorporated herein.

Claim 33 recites subject matter that was met in claim 32 above, as well as the claimed user is the insured party of the policy and the insured party purchases the policy directly from the issuer is met by the client giving approval and the issuer giving approval for printing and mailing to the client (see: Luchs: column 17, lines 31-66).

Claims 35-40 recites subject matter that was met in claim 32 above, as well as the claimed policy of insurance is a policy insuring a computer and property against loss or damage, accidental death, disability, major medical, and casualty is met by the reference to the different types of policies and coverage as noted in tables (see: Luchs: column 7-10).

Response to Arguments

Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

RWM
rwm
March 6, 2003


DINH X. NGUYEN
PRIMARY EXAMINER

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622.